

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JESUS GUADALUPE SALAZAR,  
Defendant.

Case No. [18-cr-00251-WHO-1](#)

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 82

The government has filed a motion to stay briefing and seeking an order waiving the attorney-client privilege and allowing discovery in response to Salazar's claim of ineffective assistance of counsel (IAC); the sole claim raised in his First Amended Petition for habeas relief under 28 U.S.C. § 2255. Dkt. Nos. 80, 82. The stay on briefing on the Amended Petition is GRANTED.

Salazar shall respond to this Order to Show Cause on or before **June 11, 2021**, informing the Court: (i) of any grounds for opposing the government's request for discovery under *Bittaker v. Woodford*, 331 F.3d 715, 718-19 (9th Cir. 2003) and subsequent decisions in the Northern District of California, *see, e.g., De Morais v. U.S.*, 10-CR-00557-WHO-1, 2015 WL 2357555, at \*11 (N.D. Cal. May 15, 2015); (ii) whether Salazar agrees to withdraw or amend his IAC claim to preserve the privilege; and/or (iii) if Salazar wants to pursue his IAC claim as alleged and good cause for limited discovery exists, he should provide the terms of a protective order to place reasonable limits on what discovery the government can seek, how that discovery should be sought, and impose limits on the use of any discovery secured. *See, e.g., Johnson v. Davis*, 98-CV-04043-SI, 2017 WL 2617965, at \*2 (N.D. Cal. June 16, 2017).

The government may respond to Salazar's OSC response on or before June 25, 2021. A




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hearing will be held if necessary on July 15, 2021 at 1:30 p.m.

**IT IS SO ORDERED.**

Dated: May 7, 2021

  
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William H. Orrick  
United States District Judge